

1.5 Defendant Arga Transport, Inc. is a corporation licensed to do business in Florida and may be served through the Secretary of State: Service of Process, Secretary of State, P.O. Box 12079 Austin, Texas 78711-2079. Defendant Arga Transport, Inc.'s Registered Agent is: John Medina, 9101 W. Okeechobee Rd., Suite 201, Miami, Florida 33016.

1.6 Defendant USA Truck Leasing, is a corporation licensed to do business in Florida and may be served through the Secretary of State: Service of Process, Secretary of State, P.O. Box 12079 Austin, Texas 78711-2079. Defendant USA Truck Leasing, LLC's registered Agent is: John Medina, 14160 Palmetto Frontage Rd., Suite 195, Miami Lakes, Florida 33016.

1.7 This Court has jurisdiction of this action pursuant to 28 U.S.C. 1332 because there is complete diversity of citizenship between the Plaintiffs and the Defendants.

1.8 Venue is proper in this Court, because all or most of the events which give rise to this case occurred in Kimble County, Texas, in the Western District of Texas and because this Court is the most convenient court for the parties and witnesses involved in litigation.

II.

FACTUAL BACKGROUND

2.1 This claim arises from a motor vehicle collision that occurred on Sunday, February 21, 2016 on Interstate Highway 10. On or about 7:25 PM, decedent Mark Tenniswood was traveling westbound on that highway driving a 2003 Ford F150 pickup truck. It was dark and road conditions were wet. Mark's vehicle apparently slid into a guardrail and overturned onto the roadway, but Mark was apparently unhurt and survived.

Thereafter, as additional vehicles approached the scene, they observed Mark's overturned vehicle and slowed and stopped before reaching it. One or more of these vehicles put on their hazard

lights.

Within a very short time, a semi tractor-trailer operated by defendant Donnie Fussell approached the accident scene. Mr. Fussell did not slow down or stop but instead drove right through the accident scene, crashing into Mark's overturned vehicle and killing him.

III.

CAUSES OF ACTION

3.1 Defendant Donnie Fussell was negligent and grossly negligent as follows:

1. Choosing not to keep a proper lookout to identify the vehicles pulled to the side with emergency flashers on and/or to identify the overturned vehicle in the roadway.
2. Choosing not to travel at a safe speed given the conditions and instead, traveling at an excessively fast speed for the conditions.
3. Choosing not to apply his brakes in a timely fashion or to take proper evasive action so that he did not want to smash through Mark's vehicle.

These acts of negligence and gross negligence, taken individually or in combination, or a proximate cause of the death of Mark Tenniswood and the damages claimed in this case.

3.2 The Defendant ARGA Transport, Inc. is vicariously liable for the negligence of Donnie Fussell. Furthermore, the Defendant ARGA Transport, Inc. was negligent and grossly negligent for negligently entrusting Donnie Fussell with its equipment or with a contract to provide trucking services. The evidence in this case will show that Mr. Fussell has a significant criminal history, including a history of traffic violations. This negligence and gross negligence was a proximate cause of the death of Mark Tenniswood and the damages claimed in this case.

3.3 The Defendant USA Truck Leasing, LLC, is vicariously liable for the negligence of Donnie

Fussell. Furthermore, the Defendant USA Truck Leasing, LLC, was negligent and grossly negligent for negligently entrusting Donnie Fussell with its equipment or with a contract to provide trucking services. The evidence in this case will show that Mr. Fussell has a significant criminal history, including a history of traffic violations. This negligence and gross negligence was a proximate cause of the death of Mark Tenniswood and the damages claimed in this case.

IV.

DAMAGES

4.1 Your Plaintiff Donald Tenniswood is the surviving father of the decedent. As such, he seeks those damages allowed him by law including lost benefits of the parent/child relationship, grief and mental anguish, and lost contributions of the pecuniary nature, which he has sustained in the past and will in reasonable probability sustained in the future.

4.2 Your Plaintiff Kathleen Tenniswood Powell is the surviving mother of the decedent. As such, she seeks those damages allowed her by law including lost benefits of the parent/child relationship, grief and mental anguish, and lost contributions of the pecuniary nature, which she has sustained in the past and will in reasonable probability sustained in the future.

4.3 The Plaintiffs also seek compensation for the Estate of Mark Tenniswood, deceased, including the reasonable cost of any and all medical services associated with the cause of death, reasonable funeral and burial costs, and physical pain or mental suffering associated with the cause of death.

4.4 The damages compensable to the Plaintiffs are largely unliquidated but are well in excess of the minimum jurisdictional requirements of this Court.

V.

5.1 Plaintiffs demand a trial by jury on all issues in this case.

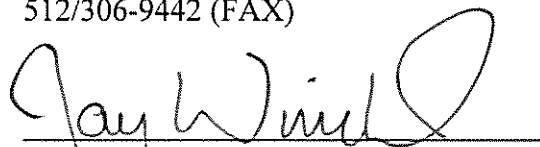
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request that the Defendants be cited to appear and answer herein; that upon final trial and hearing hereof, Plaintiffs have judgment against the Defendants for whatever sums of money they may show themselves justly entitled, including compensatory and punitive damages, together with prejudgment and postjudgment interest on their damages as provided by law, for interest on the judgment at the highest legal rate, for exemplary damages, for costs of suit, and for such other and further relief, at law and in equity, both general and special, to which your Plaintiffs may show themselves justly entitled.

Respectfully submitted,

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By:



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